

REMARKS/ARGUMENTS

Applicants respond herein to the Office Action issued February 8, 2007. Three-month extension of time for filing the response is requested.

Claims 1-39, 52-58, 64, 72 and 75 were rejected in the Office Action. Applicants amended Claims 3, 15, 17-19, 21-22, 26-27, 29-30, 32-34, 40, 52, 55-57, 59, 64, 67-68, 70-72, canceled Claims 1, 2, 16, 20, 37-39, 54 and 58 and added Claim 76. Accordingly, Claims 3-15, 17-19, 21-36, 40-53, 55-57 and 59-76 are pending in the Application after the present Amendment. Reconsideration of the rejections is respectfully requested.

Response to Claim Rejections Under 35 U.S.C. §112, second paragraph

Claims 16-37 were rejected in the Office Action under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failure to recite structural limitations of the system claimed in claims 16-37. Applicants respectfully disagree with the rejection and believe that a person skilled in the art would have known what the system is comprised of. However, to advance prosecution of this Application, Applicants canceled Claim 16 and amended independent Claim 21 to recite the structural limitations of the input device, the processor, the index database and the output device. Accordingly, remaining Claims 17-19 and 21-36 are believed to comply with the requirements of 35 U.S.C. §112.

Response to Claim Rejections Under 35 U.S.C. §101

Claims 1-15 and 16-37 were rejected in the Office Action under 35 U.S.C. §101 because the claimed invention was allegedly directed to a non-statutory subject matter.

Applicants respectfully disagree with the rejection and believe that the invention previously recited in original Claims 1-15 and 16-37 produced a useful, concrete and tangible result. However, to advance prosecution of this Application, Applicants amended independent Claim 3 to recite the steps of storing the calculated total return of the mortgage-backed securities

index in the index database and outputting this calculated total return to a user. Addition of these steps produces a further useful, concrete and tangible result. In accordance with the judicial exception, the invention of the amended Claim 3 is directed to a practical application and is, therefore, within the statutory subject matter under 35 U.S.C. 101. Claims 4-15 depend from Claim 3 and thus include all limitations of Claim 3. Accordingly, the inventions recited in Claims 4-15 are also within the statutory subject matter.

Applicants also amended independent Claim 21 to recite the structural limitations of the input device, the processor, the index database and the output device. In accordance with the amended Claim 21, the processor operates under a set of instructions recorded on a processor-readable medium. Accordingly, Claim 21, as well as its dependent Claims 17-19 and 22-36, are believed to recite statutory subject matter.

Response to Claim Allowance

The Examiner indicated that Claims 3-14, 21-25, 27-33, 35, 36, 40-51, 59-63, 65-71, 73 and 74 would be allowable if rewritten in independent form including all of the limitations of their base claims. Applicants thank the examiner for this early indication of the allowable subject matter.

In accordance with the Examiner's suggestion, Applicants re-wrote Claims 3, 21, 40 and 59 in independent form, amended these claims to include all limitations of their canceled base claims and corrected dependency of the remaining claims. Therefore, independent Claims 3, 21, 40 and 59 are believed to be allowable. Moreover, Claims 4-15, 17-19, 22-36, 41-53, 55-57 and 60-75, depending directly or indirectly from Claims 3, 21, 40 or 59, are also allowable due to their dependency on the allowable independent claims and, further, on their own merits.

Applicants respectfully note that this Amendment is intended to advance prosecution of this Application, which has been pending since August 16, 2001, and is not for reasons of patentability. Applicants preserve their right to pursue canceled claims in a continuation application.

Accordingly, favorable reconsideration of the application and allowance of all pending claims is respectfully requested. The Examiner is encouraged to call the undersigned attorney to advance prosecution of the Application.

THIS CORRESPONDENCE IS BEING
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THE UNITED STATES PATENT AND
TRADEMARK OFFICE EFS FILING
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Respectfully submitted,

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